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August 21, 2020

Via CM/ECF

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court - Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square -
New York, New York 10007
Chambers Phone: (212) 805-0290

MEMO ENDORSED

August

**Re: *Susan Rusciano, et al. v. Ethicon, Inc., et al.*,
Civil Action No.1:20-cv-05048-KPF**

Dear Judge Failla:

Following the August 7, 2020, telephonic status conference, Plaintiff's counsel has advised of potential jurisdictional issues and refiling the case in the New Jersey state court multi-county litigation pending in the Superior Court of New Jersey, Bergen County. Defendants are not amenable to that solution and would request that Plaintiff make a formal motion seeking the relief requested. The parties will continue to meet and confer on this issue. The parties thus request an extension of the Court's directive to submit a "roadmap" document to the court outlining the outstanding dispositive and *Daubert* motions that have yet to be decided by the Court (which was to be submitted today), as well as the obligation to submit courtesy copies of all of the outstanding motion papers. The parties also request that the Court set a teleconference to provide the parties with guidance as to how the Court wishes to address this issue.

Respectfully submitted,

Very truly yours,

A handwritten signature in blue ink that reads "Kelly S. Crawford".

Kelly S. Crawford

cc: Nate Jones, Esq. (via CM/ECF)

Application GRANTED. The Court ORDERS the parties to appear for a telephonic conference on August 28, 2020, at 11:30 a.m. The dial-in instructions are as follows: At 11:30 a.m. the parties will dial (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to 11:30 a.m. The Court further ORDERS that the deadline for the parties' submission of a "roadmap" and other materials be ADJOURNED *sine die*, as it seems that resolution of the jurisdictional issues may preclude the need for this Court to decide the outstanding motions.

Dated: August 21, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE